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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,579	08/09/2001	Akira Nakano	9281-4140	2869

7590 06/07/2005

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EXAMINER

ZERVIGON, RUDY

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,579

Applicant(s)

NAKANO ET AL.

Examiner

Rudy Zervigon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

1. Claims 1-9 are objected to because of the following informalities: The claims contain the term "radiofrequency". There is no such word in either unabridged dictionaries or in the prior art. Applicant is suggested to use two words. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unsure what "characteristics" applicant refers.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al (USPat. 5,423,915) in view of Patrick (USPat. 5,474,648). Murata et al (USPat. 5,423,915) teaches:

A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) comprising: a plasma processing chamber (1; Figure 1; column 5; line 44 - column 6; line 11) having a plasma excitation electrode (2; Figure 1; column 5; line 44 - column 6; line 11) for exciting a plasma; a radio frequency generator (4; Figure 1; column 5; line 44 - column 6; line 11) for supplying a radio frequency voltage to the electrode (2; Figure 1; column 5; line 44 - column 6; line 11); a

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radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) connected to the electrode (2; Figure 1; column 5; line 44 - column 6; line 11); and a matching circuit (104; Figure 1; column 5; line 44 - column 6; line 11) having an input terminal (104/4 interface; Figure 1; column 5; line 44 - column 6; line 11) and an output (106, 109; Figure 1; column 5; line 44 - column 6; line 11) end, wherein the input terminal (104/4 interface; Figure 1; column 5; line 44 - column 6; line 11) is connected to the radio frequency generator (4; Figure 1; column 5; line 44 - column 6; line 11) and the output (106, 109; Figure 1; column 5; line 44 - column 6; line 11) end is connected to an end of the radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) so as to achieve impedance matching between the plasma processing chamber (1; Figure 1; column 5; line 44 - column 6; line 11) and the radio frequency generator (4; Figure 1; column 5; line 44 - column 6; line 11) – claim 1

Murata further teaches applying a frequency of 13.56MHz (column 5; lines 48-55) to both the plasma processing chamber (1; Figure 1; column 5; line 44 - column 6; line 11) and the plasma excitation electrode (2; Figure 1; column 5; line 44 - column 6; line 11).

Murata does not teach a frequency which is three times a first series resonant frequency f_0 of the plasma processing chamber (1; Figure 1; column 5; line 44 - column 6; line 11) which is measured at the end of the radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) is larger than a power frequency f_e of the radio frequency waves – claim 1

Murata further does not teach:

- i. A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) according to claim 1, wherein a frequency of 1.3 times the first series resonant frequency f_0 is larger than a power frequency f_e - claim 2

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- ii. A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) according to claim 2, wherein the first series resonant frequency f_0 is larger than three times the power frequency f_e . – claim 3
- iii. A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) according to claim 3, wherein a series resonant frequency f_0 , which is defined by a capacitance between the plasma excitation electrode (2; Figure 1; column 5; line 44 - column 6; line 11) and a counter electrode (3; Figure 1; column 5; line 44 - column 6; line 11) for generating the plasma in cooperation with the plasma excitation electrode (2; Figure 1; column 5; line 44 - column 6; line 11) is larger than three times the power frequency f_e . – claim 4
- iv. A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) according to claim 4, wherein the plasma excitation electrode (2; Figure 1; column 5; line 44 - column 6; line 11) and the counter electrode (3; Figure 1; column 5; line 44 - column 6; line 11) are of a parallel plate type, and the series resonant frequency f_0 , and the power frequency f_e satisfy the relationship:

$$f_0 > \sqrt{\frac{d}{\delta}} f_e$$

wherein d represents the distance between the plasma excitation electrode (2; Figure 1; column 5; line 44 - column 6; line 11) and the counter electrode (3; Figure 1; column 5; line 44 - column 6; line 11), and δ represents the sum of the distance between the plasma excitation electrode (2; Figure 1; column 5; line 44 - column 6; line 11) and the generated plasma and the distance

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between the counter electrode (3; Figure 1; column 5; line 44 - column 6; line 11) and the generated plasma – claim 5

Murata further does not teach:

- v. A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) according to claim 1, further comprising a resonant frequency measuring terminal for measuring the resonant frequency of the plasma processing chamber (1; Figure 1; column 5; line 44 - column 6; line 11), in the vicinity of the end of the radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) – claim 6
- vi. A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) according to claim 6, further comprising a resonant frequency measuring unit which is detachably connected to the resonant frequency measuring terminal – claim 8
- vii. A plasma processing apparatus (Figure 1; column 5; line 44 - column 6; line 11) according to claim 8, wherein the resonant frequency characteristics in the plasma excitation mode and the resonant frequency characteristics in the measuring mode are set to be equal to each other – claim 9

Patrick (USPat. 5,474,648) teaches a plasma reactor (104, Figure 2a; column 6; line 54 – column 7; line 25) including a variable RF parameter sensor (202; Figure 2a) which measures power, voltage, current, phase angle, harmonic content (abstract), and impedance parameters at the plasma chamber electrode (112; Figure 2a, claim 5). That Patrick et al measures a frequency, resonant or otherwise, at the plasma chamber electrode is inherent because the applied frequency is that of the dynamic voltage and current that are measured and dynamically controlled (claim 6).

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Patrick further teaches that his plasma processing apparatus (Figure 2a; column 6; line 54 – column 7; line 25) produces frequencies which is defined by a capacitance between the plasma excitation electrode (112; Figure 2a) and a counter electrode (114; Figure 2a) for generating the plasma in cooperation with the plasma excitation electrode (112; Figure 2a). Further when the structure recited in the references is substantially identical to that of the claims, claimed properties or functions are presumed to be inherent. Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established. In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA1977) – MPEP 2114.

It would have been obvious to one of ordinary skill in the art at the time the invention was made for Murata to use Patrick et al's system for plasma dynamic control including optimizing the relative frequencies between Murata's plasma excitation electrode and Murata's radio frequency generator depending on the geometry of the plasma chamber and dynamic processing conditions.

Motivation for Murata to use Patrick et al's system for plasma dynamic control including optimizing the relative frequencies between Murata's plasma excitation electrode and Murata's radio frequency generator depending on the geometry of the plasma chamber and dynamic processing conditions is for enabling the repeatability and uniformity of plasma etching processes as taught by Patrick et al (column 3; lines 55-65).

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It would be obvious to those of ordinary skill in the art to optimize the operation of the claimed invention (In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980); In re Hoeschele, 406 F.2d 1403, 160 USPQ 809 (CCPA 1969); Merck & Co. Inc. v. Biocraft Laboratories Inc., 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989); In re Kulling, 897 F.2d 1147, 14 USPQ2d 1056 (Fed. Cir. 1990), MPEP 2144.05).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al (USPat. 5,423,915) and Patrick (USPat. 5,474,648) in view of Stramke (USPat. 4,645,981). Murata and Patrick are discussed above. Murata and Patrick do not teach a switch provided between Murata's radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) and a resonant frequency measuring terminal, wherein the switch electrically disconnects the end of Murata's radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) from a resonant frequency measuring terminal and connects the end of Murata's radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) to Murata's output (106, 109; Figure 1; column 5; line 44 - column 6; line 11) end of Murata's matching circuit (104; Figure 1; column 5; line 44 - column 6; line 11) in a plasma excitation mode in which the plasma is excited, whereas the switch electrically connects the end of Murata's radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) to the resonant frequency measuring terminal and disconnects the end of Murata's radio frequency feeder (105; Figure 1; column 5; line 44 - column 6; line 11) from the resonant frequency measuring terminal in a measuring mode in which the resonant frequency of the plasma processing chamber (1; Figure 1; column 5; line 44 - column 6; line 11) is measured.

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Stramke teaches a capacitive plasma processing apparatus (Figure 1; column 3; line 57 – column 4, line 19) including a switch (“S1”; Figure 1; column 3; line 57 – column 4, line 19) for a current sensor (12; Figure 1; column 3; line 57 – column 4, line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for Murata and Patrick to add a switch to the RF parameter sensor as taught by Stramke.

Motivation for Murata and Patrick to add a switch to the RF parameter sensor as taught by Stramke is to allow for current sampling durations as taught by Stramke (column 4; lines 46-50).

Response to Arguments

7. Applicant's arguments filed March 21, 2005 have been fully considered but they are not persuasive.

8. Applicant's reponse to the Examiner's claim 9 rejection under 35 U.S.C. 112, second paragraph is not persuasive. Claim 9 does not “particularly point out and distinctly claim the subject matter which applicant regards as the invention” simply referring to “characteristics” of a process parameter such as “resonant frequency”. Applicant's citations in the specification would best be appropriate for a rejection under 35 U.S.C. 112, first paragraph of which this is not the case. Applicant is suggested to amend claim 9 to recite “the characteristic of resonant frequency ...”, or similar wording.

9. Applicant states:

“

However, Applicants point out that the resonant frequency is correlated to the impedance of the plasma processing chamber and thus to the structure of the plasma processing chamber.

“

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10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the structure of the plasma processing chamber") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In particular, any structure that is recited in the rejected claims is identically conveyed by the prior art. The sole claimed structural composition of Applicant's "plasma processing chamber" is, for example, claim 1: "a plasma processing chamber having a plasma excitation electrode for exciting a plasma", claim 5: "wherein the plasma excitation electrode and the counter electrode are of a parallel plate type". Each "structure of the plasma processing chamber" as Applicant states is thus conveyed by the prior art per the Examiner's analysis of the references above and the prior action. As a result, when the structure recited in the reference is substantially identical to that of the claims, claimed properties or functions are presumed to be inherent (*In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977); MPEP 2112.01). On this point, the Examiner originally noted that motivation for the Examiner's proposed combination is based on a chamber geometry line of reasoning that is found in the prior art:

“

Motivation for ... depending on the geometry of the plasma chamber and dynamic processing conditions is for enabling the repeatability and uniformity of plasma etching processes as taught by Patrick et al (column 3; lines 55-65).

“

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272.1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official fax phone number for the 1763 art unit is (703) 872-9306. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Parviz Hassanzadeh, at (571) 272-1435.

Rudy Zervigon
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